

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

FRANK SEARCH and ROBERT ROSE,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

MATERIAL TRANSPORT, LLC,
a domestic corporation, and
KIMBERLY M. CHERRY, an individual,

Defendants.

Docket No.: 4:18-CV-01941-RBH

AFFIDAVIT OF DAMAGES OF PLAINTIFF FRANK SEARCH

1. My name is Frank Search. I am over eighteen years of age and am competent to testify.
2. I am a named Plaintiff in the above-captioned matter.
3. I make this affidavit based on personal knowledge.
4. From approximately August 2014 until approximately October 2016, I worked as a driver for Defendants Material Transport, LLC, and Kimberly M. Cherry.
5. I worked approximately 52 weeks during the applicable limitations period.
6. During that time, I worked an average of 65 hours per week.
7. Defendants paid me at a rate of \$15 per hour when I hauled asphalt.
8. Since I was paid at a regular rate of \$15 per hour, I was entitled to an overtime premium of \$7.50.
9. During the applicable limitations period, I worked approximately 1,300 hours of overtime, for which I was not paid an overtime premium.

10. Accordingly, I am owed approximately \$9,750 by Defendants for my overtime hours during the applicable limitations period.

11. Because Defendants knowingly and willfully failed to pay overtime wages, I am also entitled to the same amount in liquidated damages.

12. Defendants also agreed to pay me 22% of “what my truck earned” when I hauled raw materials.

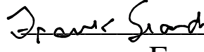
13. Defendants underpaid me by approximately \$10,500 under this agreement.

14. I am therefore owed a total of \$30,000 in damages.

15. Defendants are also liable for my attorneys’ reasonable fees and expenses, pursuant to 29 U.S.C. § 216(b).

I declare under penalty of perjury that the foregoing statements are true and correct, to the best of my knowledge, recollection, and ability.

Dated: 1/21/2019

DocuSigned by:

BE6FEB5486C24B5 Frank Search